

REMARKS

Claims 1 through 20 are pending in the application.

The specification is objected to because of errors in the description of the figures. The specification is amended to obviate the objection.

Claims 1 through 20 are rejected under 35 U.S.C. 112 as being indefinite.

Claims 1, 3, 5, 7 are amended to obviate the rejection. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 through 20.

Claims 1 through 4, 6 through 15 and 17 through 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,928,965 to Dormeyer, hereinafter "Dormeyer". Applicants respectfully traverse this rejection.

Claim 1 provides an immersion blender including a body for containing a drive motor, a first handle and a second handle, a drive shaft operatively connected to the drive motor, and a tool operatively connected to the drive shaft. The first handle is ergonomically shaped, the second handle is formed from a shape of the body, and the first handle is operatively connected to the second handle.

Dormeyer discloses an electric food mixer including a casing 40 that is provided with a pair of handles 96, one located at each of the side walls of the casing (page 2, lines 18-20). Casing 40 is provided with a plurality of ventilation holes 182 (page 4, lines 148-149). An upper wall 89 of casing 40 receives an insulated thumbpiece 214 having a lower portion for supporting a movable contact 196 (page 5, lines 82-91). Movable contact 196 connects in a circuit at various positions, and changing a position of thumbpiece 214 results in a changed rate of speed of the motor (page 5, lines 129-147).

Dormeyer thus discloses a food mixer having a body 40, connected to which are two identical handles 96. Contrary to the Examiner's contention, body 40 and thumbpiece 214 are not disclosed as handles, nor is there any teaching that either body 40 or thumbpiece 214 could be used as handles. Indeed, as shown in Fig. 1, body 40 has both a power cord and ventilation holes thereon, as well as handles 96. It appears that using body 40 as a handle would interfere with the ventilation holes, and it further appears that the position of the handles and power cord would be interfere with a use of body 40 as a handle. Also, because changing a position of thumbpiece 214 acts to change motor speed, it would be detrimental or even dangerous to grasp thumbpiece 214 as a handle. Therefore, Applicants submit that Dormeyer does not teach or suggest that body 40 or thumbpiece 214 are handles. Thus, Applicants submit that Dormeyer discloses only two handles 96.

Although Dormeyer discloses handles 96, handles 96 are separate components attached to body 40. **Handles 96 are not formed from a shape of body 96.** Therefore, Dormeyer does not disclose "a first handle and a second handle, wherein said first handle is ergonomically shaped, said second handle is formed from a shape of said body, and said first handle is operatively connected to said second handle," as recited in claim 1.

Thus, Dormeyer fails to disclose or suggest the elements of claim 1. Therefore, claim 1 is patentable over Dormeyer.

Claims 2 through 4, 6 and 7 depend from claim 1. For at least reasoning similar to that provided in support of the patentability of claim 1, claims 2 through 4, 6 and 7 are patentable over Dormeyer.

Independent claim 8 includes recitals similar to claim 1. Therefore, for at least reasoning similar to that provided in support of claim 1, claim 8 is patentable over Dormeyer.

Claims 9 through 12 depend from claim 8. For at least reasoning similar to that provided in support of the patentability of claim 8, claims 9 through 12 are patentable over Dormeyer.

Claim 13 provides a blender including a body housing a drive motor, a drive shaft operatively connected to the drive motor, and a tool operatively connected to the drive shaft. The body has a first handle to facilitate pivoting the blender with respect to a working surface, a second handle to facilitate moving the blender laterally with respect to the working surface, and a third handle to facilitate stabilizing the blender during operative use.

As discussed above, Dormeyer discloses only two handles, and thus **does not disclose a third handle**. Therefore, Dormeyer does not disclose "a first handle to facilitate pivoting the blender with respect to a working surface, a second handle to facilitate moving the blender laterally with respect to said working surface, and a third handle to facilitate stabilizing the blender during operative use," as recited in claim 13.

Thus, Dormeyer fails to disclose or suggest the elements of claim 13. Therefore, claim 13 is patentable over Dormeyer.

Claims 14, 15 and 17 through 20 depend from claim 13. For at least reasoning similar to that provided in support of the patentability of claim 13, claims 14, 15 and 17 through 20 are patentable over Dormeyer.

For the reasons set forth above, the rejection of claims 1 through 4, 6 through 15 and 17 through 20 under 35 U.S.C. 102(b) as anticipated by Dormeyer is overcome. Applicants respectfully request that the rejection of claims 1 through 4, 6 through 15 and 17 through 20 be reconsidered and withdrawn.

Claims 1 through 6, 8, 9, 11 through 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,193,404 to Calange, hereinafter

"Calange". Applicants respectfully traverse this rejection.

Calange discloses a blender having a tube 2 secured to a case 3 (col. 2, lines 40-42). The top of case 3 has a handle 4 integrally formed thereon (col. 2, lines 46-47).

However, Calange discloses only a single handle 4. Calange does not teach or imply that body 3 could have any use as a handle. Furthermore, contrary to the Examiner's assertion, handle 4 cannot be construed as having multiple handles, as only a single handle is disclosed. Furthermore, it appears from Fig. 1 that Calange discloses a hand-guard section to protect the hand while handle 4 is used. Calange does not teach or suggest that such a guard portion could be considered a separate handle.

Therefore, Calange discloses a blender having **only a single handle**. Accordingly, Calange does not disclose "a first handle and a second handle," as recited in claim 1.

Thus, Calange fails to disclose or suggest the elements of claim 1. Therefore, claim 1 is patentable over Calange.

Claims 2 through 6 depend from claim 1. For at least reasoning similar to that provided in support of the patentability of claim 1, claims 2 through 6 are patentable over Calange.

Independent claims 8 and 13 include recitals similar to claim 1. Therefore, for reasoning similar to that provided in support of claim 1, claims 8 and 13 are patentable over Calange.

Claims 9, 11 and 12 depend from claim 8, and claims 14 through 17, 19 and 20 depend from claim 13. For at least reasoning similar to that provided in support of the patentability of claims 8 and 13, claims 9, 11, 12, 14 through 17, 19 and 20 are patentable over Calange.

For the reasons set forth above, the rejection of claims 1 through 6, 8, 9, 11 through 17, 19 and 20 under 35 U.S.C. 102(b) as anticipated by Calange is overcome. Applicants respectfully request that the rejection of claims 1 through 6, 8, 9, 11 through 17, 19 and 20 be reconsidered and withdrawn.

Claims 1 through 6, 8, 9, 11 through 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,273,601 to Hlavka, hereinafter "Hlavka". Applicants respectfully traverse this rejection.

Hlavka discloses a power mixer having a drive motor accommodated in the of a drive unit housing 3 (col. 2, lines 27-30). A holding frame 8 is attached on housing 3, on which two handles 9 and 10 are arranged which are located on either side of the drive unit 2 (col. 2, lines 39-42).

Whereas Hlavka discloses only two handles that are attached to the drive unit housing, Hlavka does **not disclose a handle that is formed from a shape of the housing**. Therefore, Hlavka does not disclose "a first handle and a second handle, wherein said first handle is ergonomically shaped, said second handle is formed from a shape of said body, and said first handle is operatively connected to said second handle," as recited in claim 1.

Thus, Hlavka fails to disclose or suggest the elements of claim 1. Therefore, claim 1 is patentable over Hlavka.

Claims 2 through 6 depend from claim 1. For at least reasoning similar to that provided in support of the patentability of claim 1, claims 2 through 6 are patentable over Hlavka.

Independent claim 8 includes recitals similar to claim 1. Therefore, for at least reasoning similar to that provided in support of claim 1, claim 8 is patentable over Hlavka.

Claims 9 through 12 depend from claim 8. For at least reasoning similar to that provided in support of the patentability of claim 8, claims 9 through 12 are patentable over Hlavka.

Claim 13 provides a blender including a body housing a drive motor, a drive shaft operatively connected to the drive motor, and a tool operatively connected to the drive shaft. The body has a first handle to facilitate pivoting the blender with respect to a working surface, a second handle to facilitate moving the blender laterally with respect to the working surface, and a third handle to facilitate stabilizing the blender during operative use.

As discussed above, Hlavka discloses only two handles, and **thus does not disclose a third handle**. Therefore, Hlavka does not disclose "a first handle to facilitate pivoting the blender with respect to a working surface, a second handle to facilitate moving the blender laterally with respect to said working surface, and a third handle to facilitate stabilizing the blender during operative use," as recited in claim 13.

Thus, Hlavka fails to disclose or suggest the elements of claim 13. Therefore, claim 13 is patentable over Hlavka.

Claims 14, 15 and 17 through 20 depend from claim 13. For at least reasoning similar to that provided in support of the patentability of claim 13, claims 14, 15 and 17 through 20 are patentable over Hlavka.

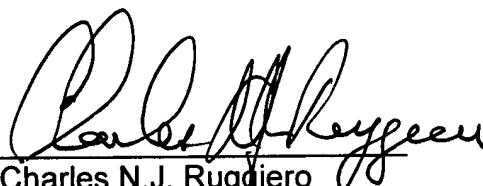
For the reasons set forth above, the rejection of claims 1 through 6, 8, 9, 11 through 17, 19 and 20 under 35 U.S.C. 102(b) as anticipated by Hlavka is overcome. Applicants respectfully request that the rejection of claims 1 through 6, 8, 9, 11 through

17, 19 and 20 be reconsidered and withdrawn.

An indication of the allowability of all pending claims by issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

Date: September 5, 2005



Charles N.J. Ruggiero
Reg. No. 28,468
Attorney for Applicants
Ohlandt, Greeley, Ruggiero & Perle, LLP
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401